



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Lorin Olson et al.

Serial No. : 10/706,166

Art Unit:

Filed

: November 12, 2003

Examiner:

For

: CAP FOR A DERMAL TISSUE LANCING DEVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

(Date of Deposit)

Jane Silarajs
(Name of applicant, assignee, or Registered Representative)

(Signature)

7-1-2004
(Date of Signature)

Commissioner for Patents P.O. Box 1450 Washington, D.C. 20231

### FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on November 12, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

 $\boxtimes$ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [ ] the first or Second After Final Submission, therefore: Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or

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0750/ / the fee of $$180.00$ as set fort	h
in §1.17(p).	
<u> </u>	
In accordance with §1.97(d), this Information	
Disclosure Statement is being filed after the mailing date o	f
either a Final Action under §1.113 or a Notice of Allowance	
under §1.311 but before the payment of the Issue Fee.	
Applicant(s) hereby petition(s) for consideration of this	
Information Disclosure Statement. Included are: Statement	in
Accordance with §1.97(e) as set forth below and the fee of	
\$180.00 as set forth in §1.17(p).	
Copies of each of the references listed on the	
attached Form PTO-1449 are enclosed herewith.	
Copies of references listed on the attached Form P	·TO -
1449 are enclosed herewith EXCEPT THAT:	10
iffy are enclosed herewith Emelia inni.	
☐ In view of the voluminous nature of reference	.c
[list as appropriate], and the likelihood that	
these references are available to the Examine	ı,
copies are not enclosed herewith.	
If any of the foregoing publications are not	
available to the Examiner, Applicant will	
endeavor to supply copies at the Examiner's	
request.	
Copies of only foreign patent documents and non-	
patent literature are enclosed in accordance with 37 CFR 1.9	8
(a)(2). (The U.S. patents and each U.S. patent application	

publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the

national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: WO 01/89383 - English equivalent (U.S. Pat. No. 6,589,260 cited in PTO-1449 and incorporated herein).

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed .

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/LFS-5001CIP/MMM. This form is submitted in triplicate.

Respectfully submitted,

Mayumi Maeda Reg. No. 40,075

Attorney for Applicants

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One Johnson & Johnson Plaza
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DATED:

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PTO/SB/08A (08-00) Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

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Application Number	10/706,166	
Filing Date	November 12, 2003	
First Named Inventor	Lorin Olson et al.	
Group Art Unit		
Examiner Name		
Attorney Docket Number	LFS-5001CIP	

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				U.S. PATENT DOCUMENTS		
Examiner Initials No.1 Number (if known)		Kind Code <sup>2</sup> Name of Patentee or Applicant		Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines where relevant passage or relevant figures appea	
		2002/0016606	A1	Piet Moerman	02-07-2002	
		6,589,260	B1	Guenther Schmelzeisen-Redeker et al.	07-08-2003	
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#### FOREIGN PATENT DOCUMENTS Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or Examiner passages or relevant T<sup>8</sup> mm-dd-yyyy Applicant of Cited Document figures appear KindCode<sup>5</sup> Office<sup>3</sup> Number⁴ No.1 wo 01/89383 A2 11-29-2001 Roche Diagnostics GmbH wo 02/078533 10-10-2002 A2 Inverness Medical Limited

Examiner	1	Date
Signature		Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

# SUBMISSION UNDER MPEP 609 D

Application Number 10/706,166

Filing Date November 12, 2003

First Named Inventor Lorin Olson et al.

Group Art Unit

Examiner Name

Attorney Docket Number LFS-5001 CIP

Page 1 of 1

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U.S. PATENT DOCUMENTS								
			U.S. Patent Docur	nent				
Examiner Initials	Cite No. <sup>1</sup>	Name of Patentee or Applicant of Cited Document	Number	Kind Code <sup>z</sup> (if known)	Pages, Columns, Lines, where relevant passages or relevant figures appear			
			4.					

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite	Name of Patentee or Applicant of Cited Document	Foreign Patent Document  Office <sup>3</sup> Number <sup>4</sup> KindCode <sup>5</sup>		Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>	
-		OTHER PRIOR ART - N	ON PATENT	LITERATUR	RE DOCUMEN	TS	
Examiner 's Initials*	Cite No.1	Include name of the author (in C title of the item (book, magazine	e of the author (in CAPITOL LETTERS), title of the article (when appropriate).				T²
THE COLOR		PCT International Search Report, dated	May 25, 200	04, for PCT In	nti. Appin. No.	PCT/US03/36513	

Examiner	Date	
Signature	Considered	 